



Control Number: 46169



Item Number: 20

Addendum StartPage: 0

12/21/2014



Application for Sale, Transfer, or Merger of a Retail Public Utility
Pursuant to Chapter 13.251 of the Texas Water Code

2017 FEB 27 PM 1:50

PUBLIC UTILITY COMMISSION
FILING CLERK

Docket Number: 46169

(this number will be assigned by the Public Utility Commission after your application is filed)

7 copies of the application, including the original, along with one copy of the portable electronic storage medium (such as CD or DVD) containing the GIS data shall be filed with

Public Utility Commission of Texas
Attention: Filing Clerk
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

No later than seven days after filing the application for the boundary change, provide a copy of each paper map and a portable electronic storage medium (such as CD, flash drive or DVD) containing complete and identical data to the portable electronic storage medium submitted above to

Texas Natural Resources Information System
1700 N. Congress Ave, Room B40
Austin, Texas 78701

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Texas Commission on Environmental Quality Investigation Report

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Customer: Curtis White
Customer Number: CN602209660

Regulated Entity Name: EL PINON ESTATES WATER SYSTEM

Regulated Entity Number: RN102675303

Investigation # 1314046

Investigator: CLAIRE CARLTON

Conducted: 02/16/2016 -- 02/16/2016

Program(s): PUBLIC WATER SYSTEM/SUPPLY

Investigation Type: Compliance Investigation

Additional ID(s): 2030013

Address: ,

Principal(s):

Role	Name
RESPONDENT	CURTIS WHITE

Contact(s):

Role	Title	Name	Phone
NOE CONTACT	OWNER	CURTIS WHITE	
PARTICIPATED IN	OPERATOR	MR Caleb Ross	
REGULATED ENTITY CONTACT	WATER SYSTEM MANAGER	MS Nancy Fountain	Phone (409) 622-9810
REGULATED ENTITY MAIL CONTACT	OWNER	CURTIS WHITE	

Other Staff Member(s):

Role	Name
QA Reviewer	KATHRYN CHENOWETH
Investigator	BRITTANY DAIGRE
Supervisor	RONALD HEBERT JR.

Incident Numbers

Site Classification GW 51-250 CONNECTION

SIC Code: 4941

NAIC Code: 221310

Location: 5 MILES SOUTH OF HWY 83 ON FM 705

Local Unit: REGION 10 - BEAUMONT

Activity Type(s): PWSCCIGWCM - CCI GW PURCHASE
- COMMUNITY MANDATORY

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
PWS EMERGENCY POWER INITIATIVE	3
PWS STANDARD FIELD	1
PWS INVESTIGATION - EQUIPMENT MONITORING AND SAMPLING revised 06/2013	4

Investigation Comments:**INTRODUCTION**

El Pinon Estates Water System was investigated by Mrs. Claire Carlton, Environmental Investigator, on February 16, 2016, this follow-up investigation was request to Region 10 by the Litigation Division on January 28, 2016. Ms. Nancy Fountain, Simply Aquatics Office Manager, was contacted on February 5, 2016, to schedule the Comprehensive Compliance Investigation (CCI) for February 16, 2016. While Mr. and Mrs. White are the designated owners of the system, Simply Aquatics has been operating the El Pinon system for approximately a year in a half. An investigative request was e-mailed to Ms. Fountain on February 5, 2016 (see Attachment No. 1 - Investigative Request Letter).

An exit interview was conducted explaining the results of the investigation. A copy of the TCEQ Exit Interview Form was received by Mr. Caleb Ross, Operator, on February 16, 2016. See Attachment No. 2 for Exit Interview Form.

A Notice of Enforcement Letter was mailed to the water system.

GENERAL FACILITY AND PROCESS INFORMATION

El Pinon Estates Water System is a community, groundwater system which serves 55 connections and an estimated population of 150, based on U.S. Census data. The water system consists of two plants. Plant #1 consists Well #1 (G2030013A) which was tested to produce 17 GPM, a sand filter, hypochlorination for disinfection, a 350 gallon pressure tank, and two 550 gallon pressure tanks. During the previous investigation, it was noted that Well # 2 (G2030013B), located at plant # 2 was capped 12/26/2012. Please note that wells are only allowed to remain capped if they are not deteriorated and are tested once every five years. It was noted at that location that two 86 gallon bladder tanks and three 350 gallon pressure tanks have been disconnected from distribution. See Attachment No. 3 - Water System Schematic, PWS Database Printout, & Water System Data Sheet.

The water system employs the following operators:

Caleb Ross, Class D Water, License No. W00038272, Expires: January 21, 2019.

BACKGROUND

The previous CCI was conducted on March 13, 2013 as investigation no. 1060023. The following alleged violations were noted during the course of the investigation: failure to have a sanitary control easement for well number 1; failure to develop, maintain and make available for Executive Director review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements; failure to maintain the well meter calibration records for at least three years; failure to have a thorough and up-to-date plant operations manual with sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as with telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency; failure to post a legible sign at each production, treatment and storage facility that contains the name of the facility and an emergency telephone number where a responsible official can be contacted; failure to provide the Facility's pressure tank with a pressure release device; failure to have the hypochlorination solution container top completely covered to prevent the entrance of dust, insects, and other contaminants; failure to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code; failure to provide a minimum well capacity of 1.5 gallons per minute ("gpm") per connection; failure to provide a minimum pressure tank capacity of 1,500 gallons

and failure to notify TCEQ prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities:

The following violations are under a resolution schedule of Agreed Order # 46928: failure to have a sanitary control easement for well number 1; failure to develop, maintain and make available for Executive Director review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements; failure to maintain the well meter calibration records for at least three years; failure to post a legible sign at each production, treatment and storage facility that contains the name of the facility and an emergency telephone number where a responsible official can be contacted; failure to provide the Facility's pressure tank with a pressure release device; failure to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code; failure to provide a minimum well capacity of 1.5 gallons per minute ("gpm") per connection; and failure to provide a minimum pressure tank capacity of 1,500 gallons. These will be addressed below under the Additional Information Section.

A search of the Comprehensive Compliance and Enforcement Data System (CCEDS) found that one complaint has been filed against the system since the last CCI on March 13, 2013.

On July 1, 2015, the Texas Commission on Environmental Quality (TCEQ) Beaumont Region Office received a complaint (Incident #216682) against the El Pinon Estates Water System, which alleged poor water quality and excessive boil water notices.

A search of CCEDS found three active enforcement cases exists for the water system. The following enforcement cases are active at this time: 37364, 42202, and 46928.

ADDITIONAL INFORMATION

On February 16, 2016, the investigator met with Mr. Caleb Ross, Operator.

The following records were reviewed: connection counts, plant operations manual, customer service agreement, customer service inspections, monthly operating reports, records for the amount of chemicals used, monthly flushing records, disinfectant residual sampling records, a distribution map, drought contingency plan, annual tank inspection forms, monitoring plan, and the bacteriological sampling records for the previous twelve months.

While conducting the investigation, it was noted that the water systems connection count during the previous investigation was 30. The water system is now maintaining 55 connections. During the investigation, the investigator contacted the San Augustine County Appraisal District to inquire about the ownership of the water system property. The appraisal district stated that their office still maintains that the owner is Mr. and Mrs. White. However, the Whites have not paid the property taxes on the property for the years of 2013, 2014, and 2015.

During the previous investigation the water system received an alleged violation for failure to have a sanitary control easement for well number 1. This violation is still outstanding at this time.

During the previous investigation the water system received an alleged violation for failure to develop, maintain and make available for Executive Director review upon request an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. During the investigation, the water system had an up to date monitoring plan.

During the previous investigation the water system received an alleged violation for failure to maintain the well meter calibration records for at least three years. During the investigation, the water system produced records of well meter calibration records for well #1.

During the previous investigation the water system received an alleged violation for failure to post a legible sign at each production, treatment and storage facility that contains the name of the facility and an emergency telephone number where a responsible official can be contacted. During the investigation, the water system did have a legible sign that showed the responsible party and contact information.

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During the previous investigation the water system received an alleged violation for failure to provide the Facility's pressure tank with a pressure release device. This violation is still outstanding at this time.

During the previous investigation the water system received an alleged violation for failure to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. This violation is still outstanding at this time.

During the previous investigation the water system received an alleged violation for failure to provide a minimum well capacity of 1.5 gallons per minute ("gpm") per connection. This violation is still outstanding at this time.

During the previous investigation the water system received an alleged violation for failure to provide a minimum pressure tank capacity of 1,500 gallons. During the investigation, it was noted that the water system provides 1,450 gallons of total pressure storage capacity while 1,100 gallon is required.

During the investigation, it was noted that the water system had not submitted a list to the Executive Director of all operators employed by El Pinon.

During the investigation, it was noted that the plant operations manual was incomplete. The plant operations manual needs to be updated with information in regards the pressure tank size and the local, state and federal emergency contact information. This alleged violation was resolved during the investigation.

During the investigation, it was noted that the water system only had tank inspection forms for the most recent pressure tank inspection. Mr. Ross stated that they have been operating the water system for approximately a year. They have received partial records for the system, so they could not provide forms for 2014 and 2015. This alleged violation was resolved during the investigation with 2016 records.

During the investigation, the water system could not provide a complete distribution map. The distribution map did not have the water mains listed on the distribution map. This alleged violation was resolved during the investigation.

During the investigation, it was noted that the water system did not calibrate the disinfectant residual analyzers. The water system sent photographic documentation to the Beaumont Regional Office which displayed they purchased the calibration standards to calibrate their chlorine meter but could not show record of the first calibration.

The water system had not obtained distribution disinfectant residuals every seven days. It was noted that the operator obtained a sample on January 11, 2016 and did not obtain another sample until January 21, 2016.

During the investigation, it was noted that the water system did not have a drought contingency plan.

Operation and maintenance- During the investigation, an evaluation of the water production and distribution system was conducted.

During the investigation, it was noted that the hypochlorination solution at the well was not sealed tight to prevent the entrance of dust, insects, and other contaminants.

During the investigation, it was noted that the water system notified the Executive Director on December 26, 2012 that well #2 will be capped. Please be aware that wells that are not in use and are non-deteriorated as defined in those rules must be tested every five years or as required by the executive director to prove that they are in a non-deteriorated condition. The test results shall be sent to the executive director for review and approval. Deteriorated wells must be either plugged with cement or repaired to a non-deteriorated condition.

Capacity- During the investigation, the water systems capacity was evaluated (See Attachment No. 3- Water System Schematic, PWS Database Printout, & Water System Data Sheet).

The capacity was calculated and sampling results were documented as follows:

The water system is required to provide 0.6 gpm multiplied by (x) 55 connections equals (=) 33 gpm for total well production, while the water system provides 17 gpm. The water system is 48.48% deficient for well production.

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The water system provides zero total storage capacity while 0.0011 MG is required. The water system is 100% deficient for total storage capacity. The water system provides 0.00145 MG of total pressure storage capacity while 0.0011 MG is required. The water system provides zero service pump capacity while 110 gpm is required. The water system is 100% deficient for service pump capacity.

Sampling- During the investigation, a disinfectant residual and a pressure test were conducted in the distribution system. A free chlorine residual of 1.79 milligrams per liter (mg/L) and a pressure reading of 47 pounds per square inch (psi) were documented at the intersection of HWY 705 and CR 488.

List of Attachments:

Attachment No. 1- Investigative Request Letter

Attachment No. 2- Exit Interview Form

Attachment No. 3- Water System Schematic, PWS Database Printout, & Water System Data Sheet

Attachment No. 4- Investigation Photographs

Attachment No. 5- Water System Documentation

No Violations Associated to this Investigation

Additional Issues

Description Item 1

Additional Comments

Failure by EL Pinon Estates Water System to provide the Executive Director with a written list on an annual basis of all the operators and contracted operating companies that the public water system employs.

Description Item 2

Additional Comments

During the investigation, it was noted that the plant operations manual was incomplete. The plant operations manual needs to be updated with information in regards the pressure tank size and the local, state and federal emergency contact information. This violation was resolved during the course of the investigation.

Description Item 3

Additional Comments

During the investigation, it was noted that the water system only had tank inspection forms for the most recent pressure tank inspection. Mr. Ross stated that they have been operating the water system for approximately a year. They have received partial records for the system, so they could not provide forms for 2014 and 2015. This alleged violation was resolved during the investigation with 2016 records. This violation was resolved during the course of the investigation.

Description Item 4

Additional Comments

During the investigation, the water system could not provide a complete distribution map. The distribution map did not have all of the water mains listed on the distribution map. This violation was resolved during the course of the investigation.

Description Item 5

Additional Comments

During the investigation, it was noted that the water system did not calibrate the disinfectant residual analyzers.

Description Item 6

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Additional Comments

The water system had not obtained distribution disinfectant residuals every seven days. It was noted that the operator obtained a sample on January 11, 2016 and did not obtain another sample until January 21, 2016.

Description Item 7

Additional Comments

During the investigation, it was noted that the water system did not have a drought contingency plan.

Description Item 8

Additional Comments

During the investigation, it was noted that the hypochlorination solution at the well was not sealed tight to prevent the entrance of dust, insects, and other contaminants. This violation was resolved during the course of the investigation.

Description Item 9

Additional Comments

During the investigation, it was noted that the water system provides 17 gpm total well production capacity while 33 gpm is required. The water system is currently operating at 48.48% deficient. During the previous investigation, the water system had 30 connections and the water system now has 55 connections.

Description Item 10

Additional Comments

During the investigation, it was noted that the water system provides zero gallons per connection of total storage capacity while 11,000 gallons of total storage is required. The water system is currently operating at 100% deficient. Please note that during the previous investigation, the water system had 30 connections and the water system now has 55 connections.

Description Item 11

Additional Comments

During the investigation, it was noted that the water system provides 0 gpm per connection for service pump capacity while 110 gpm per connection is required. The water system is currently operating at 100% deficient. During the previous investigation, the water system had 30 connections and the water system now has 55 connections.

Description Item 12

Additional Comments

Please note that the water system is required to collect monthly bacteriological samples. During the investigation, the water system could not provide a years' worth of sample results as required. The water system could only provide sample results for January 2016. Please note that the Executive Director has issued violations for non-collection of required monthly bacteriological samples.

Description Item 13

Additional Comments

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Please note that the following violations have been noted in an agreed order, Docket No. 2103-1012-PWS-E. These violation were still active at the time of the investigation conducted on February 16, 2016:

Failure to obtain a sanitary control easement for all land within 150 feet of Well no. 1.

Failure to provide the Facility's pressure tank with a pressure release device: Specifically, at the time of the investigation, it was documented that the second 550 gallon pressure tank in series at Plant No. 1 did not have a pressure release device.

Failure to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at the time of the investigation, it was documented that the electrical wiring in the Plant No. 1 pump room was not properly installed in electrical conduit.

Failed to provide a minimum well capacity of 1.5 gallons per minute (gpm) per connection. Specifically, the Facility's 30 service connections require a minimum well capacity of 45 gpm; however, the Facility only provides 16.5 gpm, indicating a 63.33% deficiency.

Description Item 14

Additional Comments

During the investigation, it was noted that the water system notified the Executive Director on December 26, 2012 that well #2 will be capped. Please be aware that wells that are not in use and are non-deteriorated must be tested every five years or as required by the executive director to prove that they are in a non-deteriorated condition. The test results shall be sent to the executive director for review and approval. Deteriorated wells must be either plugged with cement or repaired to a non-deteriorated condition.

Signed _____

Date _____

Environmental Investigator

Signed _____

Date _____

Supervisor

Attachments: (in order of final report submittal)

- ___ Enforcement Action Request (EAR)
- ___ Letter to Facility (specify type) : _____
- Investigation Report
- ___ Sample Analysis Results
- ___ Manifests
- ___ Notice of Registration

- ___ Maps, Plans, Sketches
- ___ Photographs
- ___ Correspondence from the facility
- ___ Other (specify) : _____
- _____
- _____



Franchise Tax Account Status

As of : 12/28/2016 08:06:38

This Page is Not Sufficient for Filings with the Secretary of State

SIMPLY AQUATICS, INC.

Texas Taxpayer Number 14320138903

Mailing Address PO BOX 849 KIRBYVILLE, TX 75956-0849

Right to Transact Business in Texas ACTIVE

State of Formation TX

Effective SOS Registration Date 04/21/2003

Texas SOS File Number 0800198192

Registered Agent Name KEVIN W HESTER

Registered Office Street Address 5875 COUNTY ROAD 3068 CALL, TX 75933

Lass Water Co. Inc.
P. O. Box 3014
Magnolia, Texas 77353-0314
832-934-2200

Sept 1, 2014

Simply Aquatics Inc.

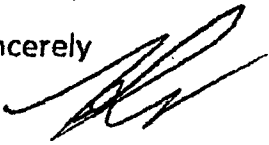
Mr. Robyn Lyons:

- As of September 1, 2014 I, Lonzo Gale releases all rights that I have pertaining to water systems for El Pinion and Las Playa subdivision which includes but not limited to the operations and ownership of Las Playa (not large enough to be owner classified as a public water system, I D # 20003015) and El Pinion I D # 2030013.

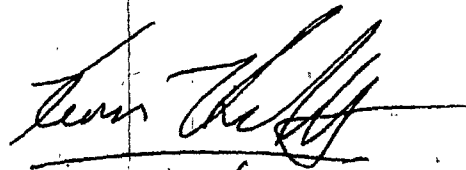
Previous owner of El Pinion is Betty White at 9810 State Highway 184. Bronson, Texas 75930-5502, Phone # 409-594-2013 and 409-586-3834

Previous owner of Las Playa is Don Johnson at P O Box 154322 In Lufkin Texas 7515

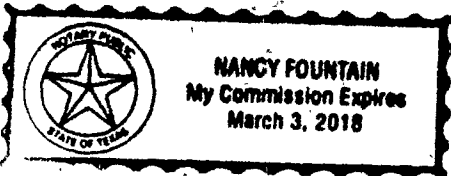
Sincerely



Lonzo Gale
President of Lass Water Co. Inc.



Kevin Hester
Simply Aquatics Inc



This document was signed by Kevin Hester
on Thursday, September 11, 2014.

Nancy Fountain

9-11-14